

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X 1:24-CV-07501

PRIMITIVO ROBLES, on behalf of himself
and all others similarly situated,

Plaintiff,

-against-

LAMBSBREATH LLC d/b/a LAMB’S BREAD

DISPENSARY,

Defendants.

X

**DECLARATION OF
ARJETA ALBANI, ESQ. IN
SUPPORT OF THE
APPLICATION TO CLERK
FOR CERTIFICATE OF
DEFAULT PURSUANT TO
LOCAL CIVIL RULE 55.1**

ARJETA ALBANI, ESQ., being duly sworn, hereby deposes and states under penalty of perjury, pursuant to 28 U.S.C. §1746, as follows:

1. I am the attorney of record for plaintiff, Primitivo Robles (“Primitivo Robles” or “Plaintiff”) in the above referenced action. I am familiar with the facts and circumstances of the above- captioned matter, and I submit this affidavit pursuant to Local Civil Rule 55.1 and Fed. R. Civ.P. 55(a) in support of Plaintiff Primitivo Robles, for a Certificate of Default (the “Application”).

2. In the annexed Application, Plaintiff Primitivo Robles, asks the Clerk to enter default against Defendant, Lambsbreath LLC, d/b/a Lamb’s Bread Dispensary (“Defendant”).

3. Defendant is not an infant or incompetent person and is not in the military service within the purview of the Soldier's and Sailor's Civil Relief Act of 1940 as amended.

4. This action was commenced by filing of the Summons and Complaint attached hereto as **Exhibit A**.

5. On October 21, 2024, Plaintiff served Defendant, Lambsbreath LLC, d/b/a Lamb’s Bread Dispensary, via Meridian Investigations & Security, Process Servers. According to the Declarant, Ms. Patricia Burke, service was effectuated upon Defendant by “delivering two true copies of the Summons in a civil Action, Class Action Complaint, and Civil Cover Sheet pursuant

to New York State Section 306 BCL together with statutory service fee in the amount of \$40.00 to Colleen Banahan as Office Assistant 2 of New York State Department of State, 99 Washington Avenue, 6th Floor, Albany, NY 12210.” Attached hereto as **Exhibit B** is the Affidavit of Service by Ms. Burke.

6. Notwithstanding Defendant’s receipt of the Complaint, Defendant has not interposed an answer, nor otherwise moved with respect to the Complaint within the time prescribed by the Federal Rules of Civil Procedure.

7. The time for Defendant, Lambsbreath LLC, d/b/a Lamb’s Bread Dispensary to serve an answer or file a motion has long since expired, as Defendant was required to respond on or before November 11, 2024. (Docket No. 6).

8. Since Defendant has failed to answer or otherwise defend the above-captioned action, they are clearly in default.

WHEREFORE, Plaintiff Primitivo Robles respectfully request that the Clerk of this Court grant Plaintiff’s application for a Certificate of Default.

Dated: New York, New York
January 6, 2025

Joseph & Norinsberg, LLC



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